

Before the  
Federal Communications Commission  
Washington, D.C.

In the Matter of:

Petition for Waiver of Decisions )  
of the Schools and Libraries Division )  
of the Universal Service Administrative )  
Company for )  
HARRIS-LAKE PARK COMM SCH DIST )  
905 S. MARKET STREET )  
P.O. BOX 8 )  
LAKE PARK, IA 51347 )  
Joint Board on Universal Service )

Form 471 Number

637967

CC Docket No. 02-6

Received & Inspected

JUL 28 2008

FCC Mail Room

Petition for Waiver  
HARRIS-LAKE PARK COMM SCH DIST  
Entity Number 132340  
Form 471 Number 637967  
Funding Request Numbers 1766459, 1766460, 1766461 and 1766462

In accordance with Sections 54.719 through 54.721 of the Commission's rules, now comes HARRIS-LAKE PARK COMM SCH DIST before the Commission requesting waiver of the Form 471 filing deadline of February 7, 2008. We request this waiver because of personnel who are new to the E-rate program.

On May 7, 2008, the Schools and Libraries Division of the Universal Service Administrative Company (Administrator) issued correspondence to HARRIS-LAKE PARK COMM SCH DIST indicating the Form 471 Number 637967 was filed outside the Program Year 2008 funding window and would therefore not be considered for funding. Due to extenuating circumstances, we ask for waiver of program rules and consider this application to be filed within the Year 2008 filing window.

Background

HARRIS-LAKE PARK COMM SCH DIST is a small rural school district in the Iowa located in the northwest part of the state. The personnel filing the E-rate application are new to the process and did not fully understand the complexity of the filing process nor the impact of the late filing deadlines.

The Commission has noted in numerous decisions that the E-Rate program is relatively complex and responsible personnel are often assigned E-Rate duties on a part-time basis. In some cases, as the situation here before the Commission with this appeal, a personnel emergency precipitated the missed deadline.

No. of Copies rec'd 0  
List ABCDE

In the Bishop Perry Order, FCC 06-54, released May 19, 2006, the Commission stated:

*14. Based on the facts and circumstances of these specific cases, we find that good cause exists to waive the deadline for filing the FCC Form 471 found in section 54.507 of the Commission's rules.<sup>40</sup> Under Bureau precedent deadlines have been strictly enforced for the E-rate program, including those pertaining to the FCC Form 471. We nevertheless find that good cause exists to waive the deadline in these cases. Generally, these applicants claim that staff mistakes or confusion resulted in the late filing of their FCC Form 471s. We note that the primary jobs of most of the people filling out these forms include school administrators, technology coordinators and teachers, as opposed to positions dedicated to pursuing federal grants, especially in small school districts. Even when a school official has learned how to correctly navigate the application process, unexpected illnesses or other family emergencies can result in the only official who knows the process being unavailable to complete the application on time. Given that the violation at issue is procedural, not substantive, we find that the complete rejection of each of these applications is not warranted. Notably, at this time, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements. Furthermore, we find that denial of funding in these cases would inflict undue hardship on the applicants. In these cases, the applicants have demonstrated that rigid compliance with USAC's application procedures does not further the purposes of section 254(h) or serve the public interest.<sup>42</sup> We therefore grant these appeals and remand them to USAC for further processing consistent with this Order.*

The Bishop Perry Order also instructed the Administrator to conduct targeted outreach to inform applicants of program rules and regulations. The Commission also instructed the Administrator to inform applicants that had filed timely Forms 470 but had failed to file Form 470 certifications or subsequent Forms 471 of filing deadlines. **Unfortunately, HARRIS-LAKE PARK COMM SCH DIST did not file a Form 470 in a timely manner and was therefore never the recipient of Commission mandated notification. Further, HARRIS-LAKE PARK COMM SCH DIST was not the recipient of targeted outreach during the Year 2008 fund cycle.**

### **Conclusion**

HARRIS-LAKE PARK COMM SCH DIST seeks waiver of Form 471 filing deadline for this application. This funding, while relatively small compared to large school systems, is vital to the effective operation of the HARRIS-LAKE PARK COMM SCH DIST telecommunications network. This application constitutes eligible services procured in accordance with program, state, and local regulations and in no way wastes program resources.

HARRIS-LAKE PARK COMM SCH DIST has initiated steps to ensure ongoing compliance with program deadlines and program rules and realizes the importance of strict adherence to such rules.

Respectfully submitted this **22nd day of July, 2008,**

**Mindy Gunderson**  
**School Board Secretary**

**Harris-Lake Park Community School**  
**PO Box 8**  
**905 S Market St**  
**Lake Park IA 51347**

**712-832-3809 (Phone)**



**Universal Service Administrative Company**  
Schools & Libraries Division

---

**Administrator's Decision on Appeal – Funding Year 2008-2009**

June 18, 2008

Mindy Gunderson  
Harris-Lake Park Community School  
P.O. Box 8  
905 S. Market Street  
Lake Park, IA 51347

Re: Applicant Name: HARRIS-LAKE PARK COMM SCH DIST  
Billed Entity Number: 132340  
Form 471 Application Number: 637967  
Funding Request Number(s): 1766459, 1766460, 1766461, 1766462  
Your Correspondence Received: May 28, 2008

The Universal Service Administrative Company (USAC) received your request for a waiver of the Application Filing Deadline for Funding Year 2008 of the Schools and Libraries Universal Service Support Mechanism.

Federal Communications Commission (FCC) rules do not permit USAC to consider requests for waivers. If you believe there is a basis for further examination of your request, you may file a waiver request with the FCC. You should refer to CC Docket No. 02-6 on the first page of your waiver request to the FCC. If you are submitting your waiver request via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing a waiver request with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division  
Universal Service Administrative Company

Mindy Gunderson  
Harris-Lake Park Community School  
P.O. Box 8  
905 S. Market Street  
Lake Park, IA 51347

Billed Entity Number: 132340  
Form 471 Application Number: 637967  
Form 486 Application Number: